

CHAPTER 1

GENERAL PROVISIONS

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14-1-101 TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Bountiful.

14-1-102 DECLARATION OF PURPOSE

This Ordinance and the regulations and restrictions contained herein are adopted and enacted for the following purposes;

1. To promote the health, safety, convenience and general welfare of the present and future inhabitants of the community.
2. To encourage and facilitate the orderly growth and development of the community and to implement the goals and policies of the Comprehensive Plan.
3. To provide adequate open space for light and air; to prevent overcrowding of the land.
4. To secure economy in municipal expenditures and to encourage adequate provisions for transportation, water sewage, schools, parks and other public facilities.
5. To increase the security of home life and to preserve and create a more favorable environment for the citizens and visitors of the community.

6. To ensure safety from fire and other dangers.
7. To place compatible uses together in the community.
8. To enhance the economic, historical, and cultural well being of the inhabitants of the community.
9. To promote the development of a more wholesome, serviceable and attractive community resulting from an orderly, planned use of resources.
10. To establish proper zoning regulations; to ensure the suitability of the land for particular uses, and to encourage the most appropriate use of land throughout the community.
11. To further the purpose of this Ordinance and to promote the objectives and qualities of the respective zones.

14-1-103 LICENSES TO CONFORM

All departments, officials and employees of the City of Bountiful which are vested with duty or authority to issue permits and licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for a use or building where the same would be in conflict with the provisions of this Ordinance. Any permit or license issued in violation of this Ordinance is voidable at the option of the City.

14-1-104 BUILDING PERMITS REQUIRED

No building or structure shall be constructed, reconstructed, altered or moved, nor shall the use of the land be changed, except after the issuance of a permit for the same by the Engineering and Building Department and approved by the Planning Department, unless excluded by the International¹ Building Code adopted by the City.

Permits shall not be granted for the construction or alteration of any building or structure, or for moving of a building onto a lot, or for the change of the use in any land, building, or structure, if such construction, alteration, moving or change in use would be a violation of any of the provisions of this Ordinance. No sewer service line, water service line or electrical utilities shall be installed to serve such premises if such use will be in violation of this Ordinance.

¹Amended 5/14/2002 Ordinance No. 2002-08

All applications for building permits shall be accompanied by a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and setbacks of existing buildings, proposed buildings and existing buildings on adjacent property or such other information as may be deemed necessary by the Building Official, or the Planning Department for the enforcement of this Ordinance.

10-1-105 CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE

- A. Certificate Required. It is unlawful to use or occupy, or to permit the use or occupancy of any building or premises prior to issuance of a Certificate of Occupancy and Zoning Compliance for the premises and/or building by the City. It is unlawful to occupy, or to allow to be occupied, any building which has a greater intensity of use or different occupancy than specifically provided for in the Certificate of Occupancy and Zoning Compliance.
- B. Issuance of Certificate. A Certificate of Occupancy and Zoning Compliance, hereinafter referred to as "Certificate" will be issued by the Engineering and Building Department of the City at the time a building is completed and final inspection conducted. A new Certificate shall be required any time the occupancy of the building changes to a more intensive use.
- C. Penalty for Violations. Failure to obtain a Certificate of Occupancy and Zoning Compliance for occupying, or allowing to be occupied, any residential, commercial, industrial or institutional building, or premises or for changing the intensity of use as provided for in the Certificate of Zoning Compliance issued under this ordinance is a Class "C" misdemeanor for each such offense.
- D. Nuisance. The occupancy of any building for which a certificate of Zoning Compliance has not been issued is hereby declared to be a nuisance and may be abated as such. It shall also be a nuisance for any building to be occupied with greater intensity than authorized herein, or for any other occupancy than is authorized in the certificate or required under this section.

14-1-106 CONSTRUCTION AND USE TO CONFORM TO PLANS

Building permits or Certificates of Occupancy and Zoning Compliance, issued on the basis of plans and specifications approved by the Engineering and Building Department and the Planning Department, authorizes only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized in said plans and specifications may be deemed a violation of this Ordinance.

14-1-107 EXEMPTION OF STATE AND FEDERAL PROPERTY

Unless otherwise provided by law, nothing contained in this Ordinance may be construed as giving the Planning and Zoning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States Government.

14-1-108 ENFORCEMENT AND ABATEMENT

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained; or any land, building, or premises used contrary to the provisions of this Ordinance is hereby declared to be unlawful and a public nuisance. The City Attorney may immediately commence action or proceedings for the abatement and removal and enjoinders thereof in the manner provided by law. The City Attorney may take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

14-1-109 PENALTIES

It is unlawful and punishable as a Class "C" misdemeanor for any person, corporation or other entity to violate the provisions of this Ordinance, which conduct or omission is designated as "unlawful" or "illegal" or which is designated as a misdemeanor. Each day of violation is a separate offense.

14-1-110 CONFLICTING PROVISIONS

In cases where regulations within this Ordinance conflict, the most restrictive of the conflicting regulations shall supersede the less restrictive.

14-1-111 APPEAL

- A. Any person, organization, corporation or governmental unit shall have the right to appeal to the City Council decisions rendered by the Planning and Zoning Commission dealing with Conditional Use Permits and decisions alleged to have been made contrary to adopted ordinances, by filing in writing the reasons for said appeal with the City Recorder within fifteen (15) days following the date on which the Planning and Zoning Commission rendered said decision.
- B. The City Recorder shall notify in writing the members of the Planning and Zoning Commission at least five (5) days prior to the scheduled date of the hearing for said appeal.

- C. The City Council, after reviewing the decision of the Planning and Zoning Commission, may affirm, reverse, alter or postpone any determination until further study can be conducted. This may include referring the matter back to the Planning and Zoning Commission for additional review.
- D. The Board of Adjustment shall hear appeals of zoning decisions allegedly made in error by the Planning Director in accordance with Section 14-2-606.

14-1-112 SEVERABILITY OF PARTS OF ORDINANCE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by the final judgement of decree of any court of competent jurisdiction, or deleted through amendment or repeal, such invalidation, or deletion shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.